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7 Motor Credit Company LLC

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION

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11 FORD MOTOR CREDIT COMPANY LLC, a
12 Delaware limited liability company,

13 Plaintiff,

14 vs.

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LEWIS FAMILY ENTERPRISES, INC., dba
16 BOB LEWIS LINCOLN MERCURY, a
17 California corporation, and STEVEN ROBERT
18 LEWIS, an individual,

19 Defendants.

20

AND RELATED CROSS-ACTION

21

LEWIS FAMILY ENTERPRISES, INC., dba
22 BOB LEWIS LINCOLN MERCURY, a
23 California corporation, and STEVEN ROBERT
24 LEWIS, an individual,

25 Cross-Complainants,

26

vs.

27

FORD MOTOR CREDIT COMPANY LLC, a
28 Delaware limited liability company; FORD
MOTOR COMPANY, a Delaware corporation;
CAPITAL EXPRESSWAY FORD, INC., a
Delaware corporation,

29 Cross-Defendants.

Case No.: C 07-03301 RS

**[PROPOSED] ORDER APPROVING
STIPULATION RESOLVING "EX
PARTE APPLICATION" AND
VACATING TRIAL DATE AND
CONTINUING HEARING ON
MOTIONS FOR SUMMARY
JUDGMENT (as modified by the Court)**

Judge: Hon. Richard Seeborg

Complaint Date: June 22, 2007

Trial Date: March 15, 2010

1 The Court after reviewing the Stipulation Resolving "Ex Parte Application" and Request
2 for Order Vacating Trial Date and Continuing Hearing on Motions for Summary Judgment
3 ("Stipulation"), and for good cause appearing, makes the following order:

4 IT IS HEREBY ORDERED that the Stipulation is approved.

5 IT IS FURTHER ORDERED that:

6 a. The hearing on the motions for summary judgment filed by Capital Expressway Ford,
7 Inc. ("CEF"), Cross-Defendants, Ford Motor Company ("Ford") and Plaintiff and
8 Cross-Defendant, Ford Motor Credit Company LLC ("Ford Credit"), currently
9 scheduled to be heard on January 27, 2010 at 9:30 a.m. shall be continued to
10 March 10, 2010 at 9:30 a.m.;

11 b. Defendants and Cross-Complainants, Lewis Family Enterprise, Inc. ("Lewis Family")
12 and Steven Robert Lewis ("Lewis") shall file and serve opposition to the motions for
13 summary judgment on or before February 10, 2010;

14 c. CEF, Ford and Ford Credit shall file and serve any reply on or before February 25,
15 2010;

16 d. The trial date of March 15, 2010, the final pretrial conference date of March 3, 2010,
17 and all other remaining pretrial deadlines shall be vacated subject to being reset at the
18 continued hearing on March 10, 2010; and

19 e. Pursuant to Civil Local Rule 6-3, matters of this nature are not set for hearing, absent court order.
20 Accordingly, any notice given that the "ex parte application" would be heard on January 13, 2009, was of no
21 effect and the matter was not calendared for hearing on that or any other date.

22 DATED: January 8, 2010



23 Hon. Richard Seeborg
24 United States District Judge